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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RE THE APPLICATION OF:

Gallmeyer et al.

Grp. Art. Unit: 3753

Application No: 10/774,856

Examiner: Eric S. Keasel

Filing Date: February 9, 2004

Date: September 12, 2007

METHOD AND APPARATUS FOR
SEAT DETECTION AND SOFT SEATING
IN A PIEZOELECTRIC DEVICE ACTUATED
VALVE SYSTEM

Atty. Dkt. No: 99-647.1

RESPONSE TO OFFICE ACTION

In response to the Office Action dated June 12, 2007, please consider the following remarks. Reconsideration of the present application is respectfully requested.

Claims 13-14 and 27 stand rejected under 35 USC §102(b) over Sims et al. Applicants respectfully disagree and urge the Examiner to address Applicants' arguments in full rather than merely dismissing them as not persuasive. Instead of clarifying the record for appeal, the rejections now rely upon a Figure of Sims that the Examiner has doctored in a way not supported by the Sims disclosure. In other words, where is there any support in anything of record for the notion that the unlabeled wire in Sims et al. that is connected to the valve body somehow corresponds to Applicants' claimed sensor circuitry? A more accurate interpretation is that the unlabeled wire and the valve body complete the circuit for the actuator, which would otherwise be shown as an open circuit incapable of actuating anything. This application should not go to appeal on the basis of conjured up disclosure that is not only contradicted explicitly by the reference, but is completely unsupported by anything of record. The Board will not uphold a §102(b) rejection that is based on disclosure that originates in an Examiner's imagination rather than something actually taught by the reference. Therefore, Applicants respectfully request that either the outstanding §102(b) rejections be withdrawn or that they be made final so that this application may proceed to appeal.

Claims 13-22 and 27-35 stand rejected under 35 USC §102(b) over Irokawa et al. Again, Applicants respectfully disagree since Irokawa et al. flatly fails to show what Applicants have claimed. However, the Examiner asserts that Figure 6 of Irokawa shows exactly what Applicants have claimed. But Figure 6 of Irokawa is not even a representation of electrical circuitry. Figure 6 of Irokawa, as stated by Irokawa, and as properly interpreted by anyone skilled in the art of feedback control system schematics, is simply a block diagram of a control system arrangement. Applicants respectfully assert that labeling a feedback control system diagram as electrical circuitry based entirely on unsupported interpretation conjured up by the Examiner contrary to what the reference actually teaches is inappropriate. Since Irokawa et al. again neither shows what Applicants have